

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARLOS LINDSEY,

Plaintiff,

v.

ORDER

JOHNSTON, PRIMMER, FEDIE, YANSKI,
FISCHER, and CAPT. PRIMMER,

18-cv-398-jdp¹

Defendants.

Pro se plaintiff Carlos Lindsey is an inmate incarcerated at the Wisconsin Secure Program Facility. After screening his complaint, I granted Lindsey leave to proceed on his claims that defendants were deliberately indifferent to his threats of self-harm in violation of the Eighth Amendment and negligent under state law. Dkt. 18. Lindsey has now filed a motion for voluntary dismissal. Dkt. 18. Because defendants have not filed an answer to Lindsey's complaint, I will construe his motion as a notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). This case is dismissed without prejudice.

Included with Lindsey's notice of dismissal was a request for the transcript from Lindsey's recent trial in *Lindsey v. Wallace*, No. 16-cv-743. Lindsey states that he plans to appeal the jury verdict in the '743 case. This leads me to believe that Lindsey is dismissing this case so that he can focus on the '743 appeal.

Lindsey has two more cases pending before me that I still need to screen: *Lindsey v. Hunt*, No. 18-cv-397, and *Lindsey v. Asch*, No. 18-cv-399. If I grant Lindsey leave to proceed in

¹ I have provided the caption for only the '398 case. The clerk of court is directed to also docket this order in Case Nos. 18-cv-397 and 18-cv-398.

those cases, then Lindsey may have concerns about his ability to litigate them at the same time as his appeal. So I will give Lindsey two weeks to indicate whether he also wishes to dismiss Case Nos. 18-cv-397 and 18-cv-399, or whether I should proceed to screen them.

ORDER

IT IS ORDERED that:

1. This case is DISMISSED without prejudice.
2. Plaintiff Carlos Lindsey has until October 18, 2018, to indicate to the court whether he wishes to dismiss Case No. 18-cv-397 or Case No. 18-cv-399.

Entered October 3, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge